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10/669,417

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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/669,417 | <b>Applicant(s)</b><br>LEUNG, WILSON WAI SING |  |
|                              | <b>Examiner</b><br>DAVID CZEKAJ      | <b>Art Unit</b><br>2621                       |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

On pages 2-3, applicant argues that modifying the device of Benthin to have the pivoting panel taught by Kishi would render the device of Benthin inoperable. While the applicant's points are understood, the examiner respectfully disagrees. When considering the references as a whole, the combination of Benthin with Kishi would not render Benthin inoperable. Kishi illustrates in figure 3, a pivoting panel for use in a car audio environment. Benthin illustrates in figures 1-3, a removable panel for use in a car audio environment. Modifying Benthin with Kishi would ensure that all connections needed to operate Benthin's panel would also be included in the pivoted part of the housing as seen in Kishi. Hence, the combination, taken as a whole, teach the limitations as claimed. Therefore the rejection has been maintained.

On page 3, applicant argues that the motivation is not applicable since pivoting down would make the buttons on the panel not visible to the user. While the applicant's points are understood, the examiner respectfully disagrees. The applicant is under the assumption that a pivot down would result in the face of the panel facing in the downward direction. However, having the top portion of the panel pivot down (as seen in figure 9 of Kishi) would result in all controls viewable by the user. Therefore the rejection has been maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benthin et al. (2002/0013138), (hereinafter referred to as "Benthin") in view of Kishi et al. (2003/0155479), (hereinafter referred to as "Kishi").

Regarding claim 1, Benthin discloses an apparatus that relates to radio receivers (Benthin: paragraph 0001). This apparatus comprises "a chassis including a front side having a bottom part" (Benthin: figure 3), "a control panel providing on the chassis front side for operating the playing mechanism, the control panel having a bottom part detachably hinged to that of the chassis front side" (Benthin: figures 1-2; paragraph 0021), and "a wireless link between the control panel and playing mechanism such that the playing mechanism is operable by the control panel when the panel is detached from the chassis, acting as a remote controller" (Benthin: paragraph 0020). However, this apparatus lacks the panel being pivotable as claimed. Kishi teaches that in prior art media systems, the display part is hardly visually recognized while operating the operating part (Kishi: paragraph 0006). To help alleviate this problem, Kishi discloses "a control panel that is pivotable between and upward and downward position" (Kishi: figures 2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Benthin and add the pivoting panel taught by Kishi in

order to obtain an apparatus in which the user can see a display while operating the player.

Regarding claim 2, Kishi discloses “the panel has a first side adjacent the chassis front side on which a plurality of control keys are provided for operating the playing mechanism” (Kishi: figure 3).

Regarding claim 3, Kishi discloses “the panel includes a second side opposite the first side, the second side being substantially blank” (Kishi: figure 2).

Regarding claim 4, Benthin in view of Kishi disclose “each bottom part of the chassis front and the panel has left and right corners adjacent those of the other bottom part, and the adjacent corners of each pairs are releasably hinged together” (Benthin: figures 2-3; paragraph 0021; Kishi: figures 2-4; paragraph 0025).

Regarding claim 5, Benthin discloses “a releasable catch is provided between the chassis front and control panel for holding the panel in the upward position” (Benthin: figure 3; paragraph 0021).

Regarding claim 6, Kishi discloses “the control panel dips at an acute angle in the downward position” (Kishi: figures 3 and 9-10).

Regarding claim 7, Benthin discloses “the panel has generally the same shape and size as the front and in the upward position covers substantially the entire chassis front side” (Benthin: figures 2-3).

Regarding claim 8, Benthin discloses “wherein the wireless link comprises an infrared link” (Benthin: paragraph 0020).

Regarding claim 9, Benthin discloses “the wireless link is provided by a pair of transmitter and receiver located at the panel and the chassis front side at positions generally aligned with each other” (Benthin: figures 2-3; paragraphs 0020-0021).

Regarding claim 10, Benthin in view of Kishi disclose “the panel is hinged to the chassis for pivotal movement about a horizontal hinge axis and the transmitter and receiver are located adjacent the hinge” (Benthin: figures 2-3; Kishi: figures 3 and 9-10).

Regarding claim 11, although not disclosed, it would have been obvious to locate the transmitter and receiver at central locations (Official Notice). Doing so would have been obvious in order to easily provide access to both the transmitter and receiver.

Regarding claim 12, Benthin discloses “the transmitter and receiver are located at the same corners of the control panel and chassis front side” (Benthin: figures 2-3. While Benthin shows the receiver and transmitter at the top, the examiner notes that placing the transceiver on the bottom is a well known concept in the art).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/  
Examiner, Art Unit 2621

/Mehrdad Dastouri/  
Supervisory Patent Examiner, Art Unit 2621